

HOUSE BILL 2321
By McMillan

AN ACT to amend Tennessee Code Annotated,
Title 10; Title 12; Title 20; Title 29; Title 33;
Title 37; Title 39; Title 40; Title 41; Title 47;
Title 49; Title 50; Title 53; Title 55; Title 56;
Title 58; Title 63; Title 67; Title 68; and Title
71, relative to medical assistance and
TennCare.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-5-103(3), is amended by deleting the word "health" and by substituting instead the words "finance and administration".

SECTION 2. Tennessee Code Annotated, Section 71-5-104, is amended by deleting the words "department of health" and substituting instead the words "department of finance and administration".

SECTION 3. Tennessee Code Annotated, Section 71-5-106, is amended by inserting as a new subsection (q) the following:

(q) Notwithstanding any other provisions found in this section to the contrary, the State of Tennessee is no longer required to accept or process any applications, requests, or renewal forms for TennCare coverage for any individuals that fall into a category determined by the State of Tennessee, to the extent permitted by federal law or the TennCare waiver, to no longer be an eligible category for TennCare coverage.

SECTION 4. Tennessee Code Annotated, Section 71-5-107(f)(2)(A), is amended by deleting the first and second sentences in their entirety and by substituting instead the following:

(2)(A) A TennCare foundation may be established that may accept and review applications for medical assistance submitted on behalf of certain specified TennCare enrollees. If the foundation is established, the members of the foundation shall be

appointed by the governor, who shall determine the size and composition of the foundation's membership.

SECTION 5. Tennessee Code Annotated, Section 71-5-111, is amended by inserting at the end of the section the following new sentence:

Notwithstanding any language in this section to the contrary, the agency or department does not have to conduct such an investigation if the application is for coverage for a category that is not an eligible category for TennCare coverage.

SECTION 6. Tennessee Code Annotated, Section 71-5-124(a), is amended by deleting the subsection in its entirety and by relettering the subsequent subsection accordingly.

SECTION 7. Tennessee Code Annotated, Section 71-5-134, is amended by deleting the section in its entirety and substituting instead the following:

The commissioner of finance and administration is authorized to promulgate rules and regulations to effectuate the purposes of this chapter. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. In order to comply with or to implement the provisions of any federal waiver or state plan amendment obtained pursuant to this chapter, the commissioner of finance and administration is authorized to promulgate public necessity rules pursuant to Section 4-5-209.

SECTION 8. Tennessee Code Annotated, Section 71-5-195, is amended by inserting as a new sentence at the end of the section the following:

Thereafter, the Comptroller of the Treasury will provide annual updates to the speakers of the respective houses of the general assembly by January 1 of each year regarding any new or updated information concerning the use and cost of prescription drugs in nursing homes.

SECTION 9. This act shall take effect on July 1, 2005, the public welfare requiring it.

